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ILO CONVENTION (NO. 144) CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOR STANDARDS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A CERTIFIED COPY OF THE CONVENTION (NO. 144) CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOR STANDARDS, ADOPTED BY THE INTERNATIONAL LABOR CONFERENCE AT GENEVA ON JUNE 21, 1976

APRIL 11, 1986.—Convention was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for use of the Senate

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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *April 10, 1986.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Convention (No. 144) Concerning Tripartite Consultations to Promote the Implementation of International Labor Standards, adopted by the International Labor Conference at Geneva on June 21, 1976. I transmit also for the Senate's information a certified copy of the recommendation (No. 152) on the same subject, adopted by the International Labor Conference on that same date, which amplifies some of the Convention's provisions. No action is called for on the recommendation.

The report of the Department of State, with a letter from the Secretary of Labor, concerning the Convention is enclosed.

I support fully the principle of tripartite consultations among government, employers, and workers on matters relating to the International Labor Organization. This principle is fundamental to the existing structure of both the ILO and of the consultative mechanisms that have been established within the United States with respect to ILO matters. Ratification of Convention No. 144 therefore would require no change in the way the United States has organized to deal with the ILO.

Because the United States is party to so few ILO conventions, we are vulnerable to criticism when we seek to take others to task for failing to adhere to instruments we ourselves have not ratified. Ratification of Convention No. 144 would reduce this vulnerability. I therefore recommend that the Senate give its advice and consent to the ratification of ILO Convention No. 144.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, March 20, 1986.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with the recommendation that it be transmitted to the Senate for advice and consent to ratification, a certified copy of the Convention (No. 144) Concerning Tripartite Consultations to Promote the Implementation of International Labor Standards, adopted by the International Labor Conference at Geneva on June 21, 1976. A certified copy of a recommendation (No. 152) amplifying some of the provisions of the Convention is enclosed for the Senate's information.

The Convention calls upon ratifying governments to establish and maintain mechanisms for effective tripartite consultations among government, employers, and workers on matters relating to the ILO. The recommendation provides suggestions on how the provisions of the Convention might be implemented.

The Secretary of Labor, in his enclosed letter, provides additional details concerning the Convention and the recommendation. He states in the analysis enclosed with his letter that under existing procedures the United States is already in compliance with its obligations under the Convention. His view is concurred in by all interested departments and agencies.

I am pleased to join with the Secretary of Labor in recommending that the Convention be transmitted to the Senate for advice and consent to ratification, a step which is consistent with our policy of support for an active participation in the work of the ILO.

Respectfully submitted,

GEORGE P. SHULTZ.

U.S. DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, DC, December 30, 1985.

Hon. GEORGE P. SHULTZ,
Secretary of State, Washington, DC.

DEAR GEORGE: This will express the coordinated view of the interested departments and agencies with respect to U.S. ratification of Convention No. 144 concerning Tripartite Consultations to Promote the Implementation of International Labor Standards. It was adopted, along with Recommendation No. 152 which amplifies some of its provisions, by the International Labor Conference, June 21, 1976.

Convention No. 144 is essentially a procedural standard relating to the administrative machinery for participating in the International Labor Organization (ILO), and does not change U.S. domestic labor law. It simply provides that ILO members which ratify it must establish and maintain machinery to ensure effective tripartite consultations between governments, employers and workers on matters relating to the ILO.

The United States Government, employer and worker delegates to the 1976 Conference voted for adoption of both instruments. Convention No. 144 was adopted by a vote of 305 for, none against, with 70 abstentions; Recommendation No. 152 was adopted by a vote of 354 for, none against, with 7 abstentions.

On December 16, 1983, the President's Committee on the ILO adopted a report of its Tripartite Advisory Panel on International Labor Standards which unanimously concluded that there are no obstacles, in law or practice, to U.S. ratification of Convention No. 144. I am enclosing a statement which outlines the provisions of Convention No. 144 and Recommendation No. 152, as well as relevant U.S. law and practice.

A number of general concerns were expressed during the course of our tripartite consultations concerning ratification of Convention No. 144 about how it would affect U.S. participation in the ILO, and whether its ratification might lead to pressure to ratify other ILO instruments which might change domestic labor law and practice.

These questions were thoroughly discussed during hearings before the Senate Labor and Human Resources Committee on September 11, 1985, in which we both participated along with Lane Kirkland, President of the American Federation of Labor–Congress of Industrial Organizations, and Abraham Katz, President of the U.S. Council for International Business. As a result of these hearings, we believe a clear record now exists which addresses the general concerns which had been expressed earlier.

Regarding the examination of unratified conventions provided for in Article 5(1)(c) of Convention No. 144, there is agreement by

the U.S. Government agencies concerned, the AFL–CIO, and the U.S. Council for International Business: that each ILO convention will be examined on its merits on a tripartite basis; that if there are any differences between the convention and Federal law and practice, these will be dealt with in the normal legislative process; and that there is no intention to change State law and practice by Federal action through ratification of ILO conventions, and the examination will include possible conflicts between Federal and State law that would be caused by such ratification.

We have concluded that ratification of Convention No. 144 would be a positive development in terms of U.S. interests in the ILO, and we recommend, therefore, that the President submit it to the Senate with a request for advice and consent to ratification.

With regard to Recommendation No. 152, we recommend that pursuant to the obligations under paragraph 7(a) of Article 19 of the ILO, the State Department should transmit it to the Congress for such action as it may deem appropriate.

Very truly yours,

WILLIAM E. BROCK.

Enclosure.

Statement of United States Law and Practice With Respect to ILO Convention No. 144 and Recommendation No. 152 (Tripartite Machinery)

I

Before setting forth the specific provisions of Convention No. 144, it is necessary to describe briefly the tripartite structure of the International Labor Organization (ILO) and thereby demonstrate why Convention No. 144 merely extends the application of certain principles of tripartism set forth in the Constitution and practice of the ILO.

An essential characteristic of the ILO is the fact that it is composed not only of government representatives but also of representatives of employers' and workers' organizations. Thus, Article 3 of the ILO Constitution provides that the meetings of the General Conference (which are usually held once in every year) shall be composed of four representatives of each of the members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the members. Article 3 also provides that the members undertake to nominate non-Government delegates chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Article 7 of the ILO Constitution provides that the Governing Body of the ILO shall consist of 56 persons, 28 representing governments, 14 representing the employers, and 14 representing the workers. Thus, employers' and workers' representatives make up half the membership of both the General Conference and the Governing Body.

Beyond the General Conference and the Governing Body, it should be noted that meetings in the ILO take other forms: special conferences on particular issues, committees, groups of experts or specialists, and ad hoc meetings. With rare exceptions, all these meetings are tripartite, so that all decisions reached in them represent the views of employers and workers as well as those of governments. Thus, tripartism is the very essence of the ILO and, as will be shown from the following description of Convention No. 144, the Convention merely elaborates certain principles already established in the ILO Constitution and in the workings of the ILO system.

Article 1 of the Convention provides that the term "representative organizations" means the most representative organizations of employers and workers enjoying the right of freedom of association.

Under Article 2, each member of the ILO which ratifies the Convention undertakes to operate procedures which ensure effective

consultations concerning the activities of the ILO set out in Article 5, paragraph 1, between representatives of the government, of employers and of workers. The nature and form of these procedures shall be determined in each country in accordance with national practice.

Article 3 provides that the representatives of employers and workers, for the purposes of the procedures provided for in the Convention, shall be freely chosen by their representative organizations, where such organizations exist. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken.

Article 4 provides that the competent authority shall assume responsibility for the administrative support of the procedures provided for in the Convention. Appropriate arrangements shall be made between the competent authority and the representative organizations for the financing of any necessary training of participants.

Article 5 states that the purpose of the procedures provided for in the Convention shall be consultations on the following: (1) government replies to questionnaires concerning items on the agenda of the International Labor Conference and government comments on proposed texts to be discussed by the Conference; (2) the proposals to be made to the competent authority or authorities in connection with the submission of conventions and recommendations pursuant to Article 19 of the Constitution of the ILO; (3) the re-examination at appropriate intervals of unratified conventions and of recommendations to which effect has not yet been given, to consider what measures might be taken; (4) questions arising out of reports to be made to the International Labor Office under Article 22 of the Constitution of the ILO; and (5) proposals for the denunciation of ratified conventions. Such consultations shall be undertaken at appropriate intervals to be fixed by agreement, but at least once a year.

Article 6, the final substantive article of the Convention, provides that the competent authority shall issue an annual report on the working of the procedures provided for in the Convention when this is considered appropriate, after consultation with the representative organizations.

Recommendation 152 sets forth certain suggestions for carrying out the consultative procedures provided for in the Convention. For example, such consultations may be undertaken (a) through a committee specifically constituted for questions concerning the activities of the ILO; (b) through a body with general competence in the economic, social or labor field; (c) through a number of bodies with special responsibility for particular subject areas; (d) through written communications.

The Recommendation also provides that measures should be taken, in accordance with the employers' and workers' organizations concerned, to make available appropriate training to enable participants in the procedures to perform their functions effectively.

In addition to the consultations provided by the Convention, the Recommendation proposes consultations on the preparation and implementation of legislative or other measures to give effect to

international labor conventions and recommendations, in particular to ratified conventions.

The Recommendation further suggests consultations on other matters of mutual concern such as the preparation, implementation and evaluation of technical cooperation activities in which the ILO participates; the action to be taken in respect to resolutions and other conclusions adopted by the International Labor Conference, regional conferences, industrial committees and other meetings convened by the ILO; and the promotion of a better knowledge of the activities of the ILO as an element for use in economic and social policies and programs.

II

Given the tripartite character of the U.S. delegation to the General Conference and the participation of employer representatives and worker representatives in the Governing Body, there has been a long history of effective consultation on ILO matters generally among the U.S. Government and the employer and worker representatives. Thus, for example, for many years government replies to questionnaires concerning items on the agenda of the International Labor Conference (Article 5, paragraph 1 of Convention 144) have first been sent to the employer and worker representatives prior to submission to the ILO. Similarly, reports to be made to the International Labor Office under Articles 19 and 22 of the Constitution of the ILO, concerning the measures taken to give effect to the provisions of unratified and ratified conventions, are also sent to the representative organizations for comment.

The consultation process which has operated effectively over the years was first formalized or institutionalized in November 1975 when President Ford appointed a Cabinet-Level Committee to advise him on ILO matters. This Committee included the active participation of the President of the AFL–CIO and a representative of the U.S. Chamber of Commerce (at the time, the most representative employer organization). The Secretary of Labor was the Chairman.

On June 18, 1980, President Carter, by Executive Order 12216, created the "President's Committee on the International Labor Organization." This Committee was created as an advisory committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1). Its life has been extended several times, and is currently mandated through September 30, 1987.

The members of the Committee are the Secretaries of Labor, State, and Commerce, the Assistant to the President for National Security Affairs, and the Presidents of the AFL–CIO and the United States Council for International Business (the most representative employer organization). The Chairman is the Secretary of Labor.

The functions of the Committee are:

(1) to monitor and assess the work of the ILO.

(2) to make recommendations to the President or other officers of the Federal Government, including the Secretary of Labor. "With due recognition that in the ILO tripartite system, government, employer, and employee representatives retain

the right to take positions independent of one another, the Committee shall exert its best efforts to develop a coordinated position as to United States policy on ILO issues."

(3) to perform other functions relevant to relations with the ILO as requested by the President or the Committee Chairman.

The Committee established a staff-level Consultative Group to coordinate and support its work. The Consultative Group provides tripartite, interagency technical and administrative advice with respect to the U.S. position in ILO general Conferences and other meetings, potential U.S. Government initiatives relating to the ILO, as well as decisions of policy endorsed by the President's Committee. It generally meets every four to five weeks. Employer and worker representatives are members of and participate actively in the work of this Group.

The President's Committee also created a subcommittee called the Tripartite Advisory Panel on International Labor Standards. This group consists of legal advisers from the Departments of Labor, Commerce, and State, the AFL–CIO, and the U.S. Council for International Business. The Panel is chaired by the Solicitor of Labor. The Panel's principal functions are to develop analyses of the degree of U.S. compliance with selected ILO conventions and to examine the impact of ratification on existing and developing domestic labor law. The Panel submits its conclusions, with any observations or minority views, to the President's Committee. Thus, for example, the Tripartite Advisory Panel fulfills one of the functions described in Article 5 of Convention 144, namely, the re-examination at appropriate intervals of unratified conventions.

The Tripartite Advisory Panel has also become the principal vehicle for reviewing reports to be made to the International Labor Office under Articles 19 and 22 of the ILO Constitution. The Tripartite Advisory Panel would also be the appropriate body to study and make recommendations concerning proposals for the denunciation of ratified conventions.

The Tripartite Advisory Panel has concluded that the United States is in full compliance with Convention 144 and Recommendation 152. No modification of U.S. legislation is required to give effect to the provisions of the Convention. If and to the extent any question were ever to arise with respect to U.S. compliance with the Convention or the Recommendation, it is well within the power of the Executive Branch to make such changes as might be necessary or appropriate.

International Labour Conference
Conférence internationale du Travail

CONVENTION 144

CONVENTION CONCERNING TRIPARTITE CONSULTATIONS
TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL
LABOUR STANDARDS,
ADOPTED BY THE CONFERENCE AT ITS SIXTY-FIRST SESSION,
GENEVA, 21 JUNE 1976

CONVENTION 144

CONVENTION CONCERNANT LES CONSULTATIONS
TRIPARTITES DESTINÉES A PROMOUVOIR LA MISE EN ŒUVRE
DES NORMES INTERNATIONALES DU TRAVAIL,
ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE ET UNIÈME SESSION,
GENÈVE, 21 JUIN 1976

Convention 144

CONVENTION CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOUR STANDARDS

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-first Session on 2 June 1976, and

Recalling the terms of existing international labour Conventions and Recommendations—in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Consultation (Industrial and National Levels) Recommendation, 1960—which affirm the right of employers and workers to establish free and independent organisations and call for measures to promote effective consultation at the national level between public authorities and employers' and workers' organisations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers' and workers' organisations on measures to give effect thereto, and

Having considered the fourth item on the agenda of the session which is entitled " Establishment of tripartite machinery to promote the implementation of international labour standards ", and having decided upon the adoption of certain proposals concerning tripartite consultations to promote the implementation of international labour standards, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Tripartite Consultation (International Labour Standards) Convention, 1976:

Article 1

In this Convention the term " representative organisations " means the most representative organisations of employers and workers enjoying the right of freedom of association.

Article 2

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the International Labour Organisation set out in Article 5, paragraph 1, below, between representatives of the government, of employers and of workers.

2. The nature and form of the procedures provided for in paragraph 1 of this Article shall be determined in each country in accordance with national practice, after consultation with the representative organisations, where such organisations exist and such procedures have not yet been established.

Article 3

1. The representatives of employers and workers for the purposes of the procedures provided for in this Convention shall be freely chosen by their representative organisations, where such organisations exist.

2. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken.

CONVENTION CONCERNANT LES CONSULTATIONS TRIPARTITES DESTINÉES A PROMOUVOIR LA MISE EN ŒUVRE DES NORMES INTERNATIONALES DU TRAVAIL

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 2 juin 1976, en sa soixante et unième session;

Rappelant les termes des conventions et recommandations internationales du travail existantes — en particulier la convention sur la liberté syndicale et la protection du droit syndical, 1948, la convention sur le droit d'organisation et de négociation collective, 1949, et la recommandation sur la consultation aux échelons industriel et national, 1960 — qui affirment le droit des employeurs et des travailleurs d'établir des organisations libres et indépendantes et demandent que des mesures soient prises pour promouvoir des consultations efficaces au niveau national entre les autorités publiques et les organisations d'employeurs et de travailleurs, ainsi que les dispositions de nombreuses conventions et recommandations internationales du travail qui prévoient la consultation des organisations d'employeurs et de travailleurs sur les mesures à prendre pour leur donner effet;

Après avoir examiné la quatrième question à l'ordre du jour de la session, qui est intitulée: « Création de mécanismes tripartites chargés de promouvoir la mise en œuvre des normes internationales du travail », et après avoir décidé d'adopter certaines propositions concernant les consultations tripartites destinées à promouvoir la mise en œuvre des normes internationales du travail;

Après avoir décidé que ces propositions prendraient la forme d'une convention internationale,

adopte, ce vingt et unième jour de juin mil neuf cent soixante-seize, la convention ci-après, qui sera dénommée Convention sur les consultations tripartites relatives aux normes internationales du travail, 1976.

Article 1

Dans la présente convention, les termes « organisations représentatives » signifient les organisations les plus représentatives des employeurs et des travailleurs, jouissant du droit à la liberté syndicale.

Article 2

1. Tout Membre de l'Organisation internationale du Travail qui ratifie la présente convention s'engage à mettre en œuvre des procédures qui assurent des consultations efficaces entre les représentants du gouvernement, des employeurs et des travailleurs sur les questions concernant les activités de l'Organisation internationale du Travail, énoncées à l'article 5, paragraphe 1, ci-dessous.

2. La nature et la forme des procédures prévues au paragraphe 1 du présent article seront déterminées dans chaque pays, conformément à la pratique nationale, après consultation des organisations représentatives, s'il en existe et si de telles procédures n'ont pas encore été établies.

Article 3

1. Aux fins des procédures visées par la présente convention, les représentants des employeurs et des travailleurs seront choisis librement par leurs organisations représentatives, s'il en existe.

2. Les employeurs et les travailleurs seront représentés sur un pied d'égalité au sein de tout organisme au moyen duquel les consultations auraient lieu.

Article 4

1. The competent authority shall assume responsibility for the administrative support of the procedures provided for in this Convention.

2. Appropriate arrangements shall be made between the competent authority and the representative organisations, where such organisations exist, for the financing of any necessary training of participants in these procedures.

Article 5

1. The purpose of the procedures provided for in this Convention shall be consultations on—

(a) government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;

(b) the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;

(c) the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;

(d) questions arising out of reports to be made to the International Labour Office under article 22 of the Constitution of the International Labour Organisation;

(e) proposals for the denunciation of ratified Conventions.

2. In order to ensure adequate consideration of the matters referred to in paragraph 1 of this Article, consultations shall be undertaken at appropriate intervals fixed by agreement, but at least once a year.

Article 6

When this is considered appropriate after consultation with the representative organisations, where such organisations exist, the competent authority shall issue an annual report on the working of the procedures provided for in this Convention.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into

Article 4

1. L'autorité compétente assumera la responsabilité du support administratif des procédures visées par la présente convention.

2. Des arrangements appropriés seront pris entre l'autorité compétente et les organisations représentatives, s'il en existe, pour le financement de toute formation nécessaire aux personnes participant à ces procédures.

Article 5

1. Les procédures visées par la présente convention devront avoir pour objet des consultations sur:

a) les réponses des gouvernements aux questionnaires sur les points inscrits à l'ordre du jour de la Conférence internationale du Travail et les commentaires des gouvernements sur les projets de textes qui doivent être discutés par la Conférence;

b) les propositions à présenter à l'autorité ou aux autorités compétentes en relation avec la soumission qui doit leur être faite des conventions et recommandations, conformément à l'article 19 de la Constitution de l'Organisation internationale du Travail;

c) le réexamen, à des intervalles appropriés, de conventions non ratifiées et de recommandations auxquelles il n'a pas encore été donné effet, pour envisager les mesures qui pourraient être prises afin de promouvoir leur mise en œuvre et leur ratification, le cas échéant;

d) les questions que peuvent poser les rapports à présenter au Bureau international du Travail au titre de l'article 22 de la Constitution de l'Organisation internationale du Travail;

e) les propositions relatives à la dénonciation de conventions ratifiées.

2. Afin d'assurer un examen adéquat des questions visées au paragraphe 1 du présent article, des consultations auront lieu à des intervalles appropriés fixés d'un commun accord, mais au moins une fois par an.

Article 6

Lorsque cela paraît approprié après consultation avec les organisations représentatives, s'il en existe, l'autorité compétente produira un rapport annuel sur le fonctionnement des procédures visées par la présente convention.

Article 7

Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 8

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 9

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la

force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 12

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.

convention, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 10

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications et dénonciations qui lui seront communiquées par les Membres de l'Organisation.

2. En notifiant aux Membres de l'Organisation l'enregistrement de la deuxième ratification qui lui aura été communiquée, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle la présente convention entrera en vigueur.

Article 11

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 12

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 13

1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

a) la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l'article 9 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;

b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 14

Les versions française et anglaise du texte de la présente convention font également foi.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-first Session which was held at Geneva and declared closed the twenty-second day of June 1976.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of June 1976.

Le texte qui précède est le texte authentique de la convention dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa soixante et unième session qui s'est tenue à Genève et qui a été déclarée close le vingt-deuxième jour de juin 1976.

EN FOI DE QUOI ont apposé leurs signatures, ce vingt-troisième jour de juin 1976:

The President of the Conference,
Le Président de la Conférence,

M. O'LEARY

The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,

FRANCIS BLANCHARD

International Labour Conference
Conférence internationale du Travail

RECOMMENDATION 152

RECOMMENDATION CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOUR STANDARDS AND NATIONAL ACTION RELATING TO THE ACTIVITIES OF THE INTERNATIONAL LABOUR ORGANISATION, ADOPTED BY THE CONFERENCE AT ITS SIXTY-FIRST SESSION, GENEVA, 21 JUNE 1976

RECOMMANDATION 152

RECOMMANDATION CONCERNANT LES CONSULTATIONS TRIPARTITES DESTINÉES A PROMOUVOIR LA MISE EN ŒUVRE DES NORMES INTERNATIONALES DU TRAVAIL ET LES MESURES NATIONALES EN RAPPORT AVEC LES ACTIVITÉS DE L'ORGANISATION INTERNATIONALE DU TRAVAIL, ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE ET UNIÈME SESSION, GENÈVE, 21 JUIN 1976

AUTHENTIC TEXT
TEXTE AUTHENTIQUE

Recommendation 152

RECOMMENDATION CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOUR STANDARDS AND NATIONAL ACTION RELATING TO THE ACTIVITIES OF THE INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-first Session on 2 June 1976, and

Recalling the terms of existing international labour Conventions and Recommendations—in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Consultation (Industrial and National Levels) Recommendation, 1960—which affirm the right of employers and workers to establish free and independent organisations and call for measures to promote effective consultation at the national level between public authorities and employers' and workers' organisations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers' and workers' organisations on measures to give effect thereto, and

Having considered the fourth item on the agenda of the session which is entitled " Establishment of tripartite machinery to promote the implementation of international labour standards ", and having decided upon the adoption of certain proposals concerning tripartite consultations to promote the implementation of international labour standards and national action relating to the activities of the International Labour Organisation, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-six the following Recommendation, which may be cited as the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976:

1. In this Recommendation the term " representative organisations " means the most representative organisations of employers and workers enjoying the right of freedom of association.

2. (1) Each Member of the International Labour Organisation should operate procedures which ensure effective consultations with respect to matters concerning the activities of the International Labour Organisation, in accordance with Paragraphs 5 to 7 of this Recommendation, between representatives of the government, of employers and of workers.

(2) The nature and form of the procedures provided for in subparagraph (1) of this Paragraph should be determined in each country in accordance with national practice, after consultation with the representative organisations where such procedures have not yet been established.

(3) For instance, consultations may be undertaken—

(a) through a committee specifically constituted for questions concerning the activities of the International Labour Organisation;

(b) through a body with general competence in the economic, social or labour field;

(c) through a number of bodies with special responsibility for particular subject areas; or

RECOMMANDATION CONCERNANT LES CONSULTATIONS TRIPARTITES DESTINÉES A PROMOUVOIR LA MISE EN ŒUVRE DES NORMES INTERNATIONALES DU TRAVAIL ET LES MESURES NATIONALES EN RAPPORT AVEC LES ACTIVITÉS DE L'ORGANISATION INTERNATIONALE DU TRAVAIL

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 2 juin 1976, en sa soixante et unième session;

Rappelant les termes des conventions et recommandations internationales du travail existantes — en particulier la convention sur la liberté syndicale et la protection du droit syndical, 1948, la convention sur le droit d'organisation et de négociation collective, 1949, et la recommandation sur la consultation aux échelons industriel et national, 1960 — qui affirment le droit des employeurs et des travailleurs d'établir des organisations libres et indépendantes et demandent que des mesures soient prises pour promouvoir des consultations efficaces au niveau national entre les autorités publiques et les organisations d'employeurs et de travailleurs, ainsi que les dispositions de nombreuses conventions et recommandations internationales du travail qui prévoient la consultation des organisations d'employeurs et de travailleurs sur les mesures à prendre pour leur donner effet;

Après avoir examiné la quatrième question à l'ordre du jour de la session, qui est intitulée: « Création de mécanismes tripartites chargés de promouvoir la mise en œuvre des normes internationales du travail », et après avoir décidé d'adopter certaines propositions concernant les consultations tripartites destinées à promouvoir la mise en œuvre des normes internationales du travail ainsi que les mesures nationales en rapport avec les activités de l'Organisation internationale du Travail;

Après avoir décidé que ces propositions prendraient la forme d'une recommandation,

adopte, ce vingt et unième jour de juin mil neuf cent soixante-seize, la recommandation ci-après, qui sera dénommée Recommandation sur les consultations tripartites relatives aux activités de l'Organisation internationale du Travail, 1976:

1. Dans la présente recommandation, les termes « organisations représentatives » signifient les organisations les plus représentatives des employeurs et des travailleurs, jouissant du droit à la liberté syndicale.

2. (1) Tout Membre devrait mettre en œuvre des procédures qui assurent des consultations efficaces entre les représentants du gouvernement, des employeurs et des travailleurs sur les questions concernant les activités de l'Organisation internationale du Travail, conformément aux paragraphes 5 à 7 ci-dessous.

(2) La nature et la forme des procédures prévues au sous-paragraphe 1 du présent paragraphe devraient être déterminées dans chaque pays, conformément à la pratique nationale, après consultation des organisations représentatives, si de telles procédures n'ont pas encore été établies.

(3) Par exemple, des consultations pourraient avoir lieu:

a) au moyen d'une commission spécialement instituée pour les questions concernant les activités de l'Organisation internationale du Travail;

b) au moyen d'un organisme doté d'une compétence générale dans le domaine économique et social ou dans le domaine du travail;

c) au moyen d'un certain nombre d'organismes dotés d'une responsabilité spéciale pour des matières déterminées;

(d) through written communications, where those involved in the consultative procedures are agreed that such communications are appropriate and sufficient.

3. (1) The representatives of employers and workers for the purposes of the procedures provided for in this Recommendation should be freely chosen by their representative organisations.

(2) Employers and workers should be represented on an equal footing on any bodies through which consultations are undertaken.

(3) Measures should be taken, in co-operation with the employers' and workers' organisations concerned, to make available appropriate training to enable participants in the procedures to perform their functions effectively.

4. The competent authority should assume responsibility for the administrative support and financing of the procedures provided for in this Recommendation, including the financing of training programmes where necessary.

5. The purpose of the procedures provided for in this Recommendation should be consultations—

(a) on government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;

(b) on the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;

(c) subject to national practice, on the preparation and implementation of legislative or other measures to give effect to international labour Conventions and Recommendations, in particular to ratified Conventions (including measures for the implementation of provisions concerning the consultation or collaboration of employers' and workers' representatives);

(d) on the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;

(e) on questions arising out of reports to be made to the International Labour Office under articles 19 and 22 of the Constitution of the International Labour Organisation;

(f) on proposals for the denunciation of ratified Conventions.

6. The competent authority, after consultation with the representative organisations, should determine the extent to which these procedures should be used for the purpose of consultations on other matters of mutual concern, such as—

(a) the preparation, implementation and evaluation of technical co-operation activities in which the International Labour Organisation participates;

(b) the action to be taken in respect of resolutions and other conclusions adopted by the International Labour Conference, regional conferences, industrial committees and other meetings convened by the International Labour Organisation;

(c) the promotion of a better knowledge of the activities of the International Labour Organisation as an element for use in economic and social policies and programmes.

7. In order to ensure adequate consideration of the matters referred to in the preceding Paragraphs, consultations should be undertaken at appropriate intervals fixed by agreement, but at least once a year.

d) par voie de communications écrites, lorsqu'elles sont acceptées comme appropriées et suffisantes par ceux qui participent aux procédures consultatives.

3. (1) Aux fins des procédures visées par la présente recommandation, les représentants des employeurs et des travailleurs devraient être choisis librement par leurs organisations représentatives.

(2) Les employeurs et les travailleurs devraient être représentés sur un pied d'égalité au sein de tout organisme au moyen duquel les consultations auraient lieu.

(3) Des mesures devraient être prises, en coopération avec les organisations intéressées d'employeurs et de travailleurs, afin de prévoir une formation appropriée pour permettre aux personnes participant à ces procédures de remplir leurs fonctions de manière efficace.

4. L'autorité compétente devrait assumer la responsabilité du support administratif et du financement des procédures visées par la présente recommandation, y compris, au besoin, le financement de programmes de formation.

5. Les procédures visées par la présente recommandation devraient avoir pour objet des consultations:

a) sur les réponses des gouvernements aux questionnaires sur les points inscrits à l'ordre du jour de la Conférence internationale du Travail et les commentaires des gouvernements sur les projets de textes qui doivent être discutés par la Conférence;

b) sur les propositions à présenter à l'autorité ou aux autorités compétentes en relation avec la soumission qui doit leur être faite des conventions et recommandations, conformément à l'article 19 de la Constitution de l'Organisation internationale du Travail;

c) compte tenu de la pratique nationale, sur la préparation et la mise en œuvre des mesures législatives ou autres tendant à donner effet aux conventions et recommandations internationales du travail et, en particulier, aux conventions ratifiées (y compris la mise en œuvre des dispositions concernant la consultation ou la collaboration des représentants des employeurs et des travailleurs);

d) sur le réexamen, à des intervalles appropriés, de conventions non ratifiées et de recommandations auxquelles il n'a pas été donné effet, pour envisager les mesures qui pourraient être prises afin de promouvoir leur mise en œuvre et leur ratification, le cas échéant;

e) sur les questions que peuvent poser les rapports à présenter au Bureau international du Travail au titre des articles 19 et 22 de la Constitution de l'Organisation internationale du Travail;

f) sur les propositions relatives à la dénonciation de conventions ratifiées.

6. L'autorité compétente, après consultation des organisations représentatives, devrait décider dans quelle mesure ces procédures devraient être utilisées pour d'autres questions d'intérêt commun telles que:

a) la préparation, la mise en œuvre et l'évaluation des activités de coopération technique auxquelles l'Organisation internationale du Travail participe;

b) les mesures à prendre à l'égard de résolutions et autres conclusions adoptées par la Conférence internationale du Travail, les conférences régionales, les commissions d'industrie ou autres réunions convoquées par l'Organisation internationale du Travail;

c) les mesures à prendre pour mieux faire connaître les activités de l'Organisation internationale du Travail, en tant qu'élément pouvant être utilisé dans les politiques et programmes économiques et sociaux.

7. Afin d'assurer un examen adéquat des questions visées aux paragraphes précédents, des consultations devraient avoir lieu à des intervalles appropriés fixés d'un commun accord, mais au moins une fois par an.

8. Measures appropriate to national conditions and practice should be taken to ensure co-ordination between the procedures provided for in this Recommendation and the activities of national bodies dealing with analogous questions.

9. When this is considered appropriate after consultation with the representative organisations, the competent authority should issue an annual report on the working of the procedures provided for in this Recommendation.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-first Session which was held at Geneva and declared closed the twenty-second day of June 1976.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of June 1976.

8. Des mesures appropriées aux conditions et à la pratique nationales devraient être prises pour assurer la coordination entre les procédures visées par la présente recommandation et les activités d'organismes nationaux traitant de questions analogues.

9. Lorsque cela paraît approprié après consultation avec les organisations représentatives, l'autorité compétente devrait produire un rapport annuel sur le fonctionnement des procédures visées par la présente recommandation.

Le texte qui précède est le texte authentique de la recommandation dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa soixante et unième session qui s'est tenue à Genève et qui a été déclarée close le vingt-deuxième jour de juin 1976.

EN FOI DE QUOI ont apposé leurs signatures, ce vingt-troisième jour de juin 1976:

The President of the Conference,
Le Président de la Conférence,

M. O'LEARY

The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,

FRANCIS BLANCHARD

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la recommandation présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,
Copie certifiée conforme et complète,

for the Director-General of the International Labour Office :
pour le Directeur général du Bureau international du Travail :